

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60319 of 2022

Arising Out of PS. Case No.-399 Year-2021 Thana- VAISHALI District- Vaishali

Pankaj Kumar @ Pankaj Kumar Rai @ Pankaj Rai Son of Ram Kishore Rai
@ Shyam Kishore Rai R/v- Bhagwatpur, P.S and District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ranjit Kumar Thakur, Advocate
For the State : Mr. Anil Kumar Singh, No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Vaishali (Belsar O.P) P.S. Case No.399 of 2021 registered for the offence under Sections 420, 467, 468, 471, 120(B), 272 and 273 of Indian Penal Code and Sections 30(a), 32(1), 36 and 41(1) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in custody since 22.09.2022.

The allegation against the petitioner is to be involved



in illegal trade of illicit liquor, where, there was recovery of 3984 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of disclosure as made by three co-accused, namely Sonu Kumar, Pintu Kumar and Birendra Paswan and admittedly, there is no recovery of illicit liquor from physical possession of this petitioner. It is further submitted that petitioner is involved in three more criminal cases, merely, on the basis of suspicion he has also been implicated in the present case. It is further submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnel.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above, as, admittedly, recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, where seizure list appears doubtful, let the petitioner, above named, is directed to be released on bail in connection with Vaishali (Belsar O.P) P.S. Case No.399 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Excise Court No.2-cum-Additional District
and Sessions Judge, Vaishali at Hajipur/concerned court, subject
to the conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

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